

United States Environmental Protection Agency
Region 5

IN THE MATTER OF:)	
)	
American Iron Oxide Company)	FINDING OF VIOLATION
(AMROX))	
Portage, Indiana)	EPA-5-02-IN-03
)	
)	
Proceedings Pursuant to)	
the Clean Air Act,)	
42 U.S.C. §§ 7401 <u>et seq.</u>)	

FINDING OF VIOLATION

The United States Environmental Protection Agency finds that American Iron Oxide Company (AMROX) is violating Sections 112 and 502 of the Clean Air Act, 42 U.S.C. § 7412 and § 7661a. Specifically, AMROX is violating the National Emission Standards for Hazardous Air Pollutants (NESHAP) for Steel Pickling-HCl Process Facilities and Hydrochloric Acid Regeneration Plants at 40 C.F.R. Part 63, Subpart CCC, and 40 C.F.R. Part 70 as follows:

Regulatory Authority

1. The NESHAP for Steel Pickling-HCl Process Facilities and Hydrochloric Acid Regeneration Plants at 40 C.F.R. Part 63, Subpart CCC, states at 40 C.F.R. § 63.1155(a)(2) that the provisions for this subpart apply to all new and existing hydrochloric acid regeneration plants that are major sources for hazardous air pollutants (HAP).
2. 40 C.F.R. § 63.2 defines a major source as any stationary source that emits or has the potential to emit considering controls 10 tons per year or more of any hazardous air pollutant or 25 tons per year or more of any combination of hazardous air pollutants.
3. 40 C.F.R. § 63.9(b)(4) states that the owner or operator of a new or reconstructed major affected source that has an initial startup after the effective date of the relevant standard under this part shall provide the Administrator with notification of intention to construct a new major affected source.
4. The NESHAP, at 40 C.F.R. § 63.1157(b)(1), prohibits the owner and operator of an existing hydrochloric acid regeneration plant

from discharging into the atmosphere any gases that contain HCl in a concentration greater than 25 ppmv.

5. 40 C.F.R. Part 70 states that any major source of a hazardous air pollutant shall not operate without a Part 70 operating permit (Title V permit).

6. 40 C.F.R. § 70.2 defines a major source as any stationary source that emits or has the potential to emit 10 tons per year or more of any hazardous air pollutant which has been listed pursuant to Section 112(b) of the Act, 42 U.S.C. § 7412.

7. Pursuant to Section 112(b) of the Clean Air Act, 42 U.S.C. § 7412, hydrochloric acid is listed as a hazardous air pollutant (HAP).

Findings of Fact

8. AMROX owns and operates a hydrochloric acid regeneration facility at 6300 U.S. Highway 12, Portage, Indiana (the facility).

9. AMROX's Portage facility has two identical process lines for regenerating pickle liquor to reusable hydrochloric acid.

10. The facility has the potential to emit 10 tons per year or more of hydrochloric acid, a HAP, and therefore the facility is a major source and subject to the requirements at 40 C.F.R. Part 63, Subpart CCC.

11. Pursuant to 40 C.F.R. § 63.1160(a)(1), AMROX was required to achieve initial compliance with the requirements of Subpart CCC no later than June 22, 2001.

12. AMROX's Portage facility is subject to 40 C.F.R. Part 70 because it is a stationary facility that emits, or has the potential to emit, 10 tons per year of hydrochloric acid, a HAP.

13. The U.S. EPA required that AMROX perform a stack test using method 26A to determine levels of hydrochloric acid emitted from its stacks.

14. AMROX performed the first series of stack tests on September 25 and 26, 2001. U.S. EPA received results from one run that was conducted on September 26, 2001.

15. On September 26, 2001, AMROX emitted from its Roaster A stack hydrochloric acid at a level of 2.05 lbs/hour. This level

translates to 8.979 tons/year of hydrochloric acid from one stack. Because the facility has two identical process lines, this level can be doubled to demonstrate an emission level of 17.958 tons/yr of hydrochloric acid from AMROX's stacks.

16. AMROX retested on October 17, 2001. U.S. EPA was provided with the results from three runs conducted on October 17, 2001.

17. On October 17, 2001, AMROX emitted from its Roaster B stack hydrochloric acid at an average level of 1.75 lbs/hour. This level translates to 7.665 tons/yr of hydrochloric acid from one stack. Because AMROX has two identical process lines, this level can be doubled to demonstrate an emission level of 15.33 tons/yr of hydrochloric acid.

Violations

18. The facility is a major source, and AMROX failed to apply for a Part 70, or Title V, permit as required by 40 C.F.R. § 70.5(a) and Section 502 of the Clean Air Act, 42 U.S.C. § 7661a.

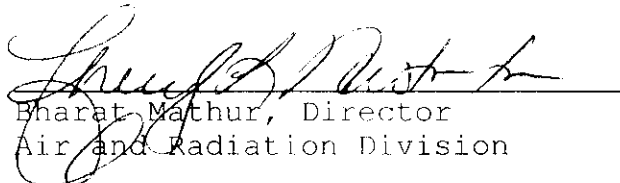
19. AMROX continued to operate the facility without its required Title V permit in violation of 40 C.F.R. 70.7(b) and Section 502 of the Clean Air Act, 42 U.S.C. § 7661a.

20. AMROX failed to submit an initial notification to the Administrator that it intended to construct a major source subject to the standards under 40 C.F.R. Part 63, Subpart CCC, pursuant to 40 C.F.R. § 63.9(b)(4).

21. On September 26, 2001, AMROX emitted from its Roaster A stack hydrochloric acid at a level of 53.9 ppmv. This is a violation of 40 C.F.R. § 63.1157(b)(1) which states that no owner or operator of an existing source shall discharge into the atmosphere any gases that contain HCl in a concentration greater than 25 ppmv.

22. On October 17, 2001, AMROX emitted from its Roaster B stack hydrochloric acid at an average level of 42.07 ppmv. This is a violation of 40 C.F.R. § 63.1157(b)(1) which states that no owner or operator of an existing source shall discharge into the atmosphere any gases that contain HCl in a concentration greater than 25 ppmv.

12/19/01
Date


Bharat Mathur, Director
Air and Radiation Division

CERTIFICATE OF MAILING

I, Betty Williams, certify that I sent a Finding of Violation, No. 05-02-IN-03, by Certified Mail, Return Receipt Requested, to:

Michael Sieckmann, Vice President
American Iron Oxide Company (AMROX)
661 Andersen Drive
Foster Plaza No.7
Pittsburgh, PA 15220

I also certify that I sent copies of the Finding of Violation by first class mail to:

Mr. David McIver, Chief
Air Section
Office of Enforcement
Indiana Department of Environmental Management
100 North Senate, Room 1001
Indianapolis, IN 46206-6015


and;

Mr. Rick Massoels, Environmental Manager
Air Compliance Section
Indiana Department of Environmental Management
504 North Broadway, Suite 418
Gary, IN 46402

and;

Mr. Chris Dargiewicz, Plant Manager
AMROX 11
6300 U.S. Highway Route 12
Portage, IN 48368

on the 20th day of December, 2001.


Betty Williams, Secretary
AECAS, (IL/IN)

CERTIFIED MAIL RECEIPT NUMBER: 7099 3400 0000 9591 72